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EXAMINER

PANNALA, SATHYANARAYA R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/448,804	Applicant(s) SALGADO ET AL.	
	Examiner Sathyanarayan Pannala	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment filed on 9/29/2010 has been entered with no amended, added or cancelled claims. In this Office Action, claims 1-21 are pending.

Specification

2. The **summary of the invention** is objected because it is a copy of original claims. A revised summary is required without adding new matter and that is clearly indicative of the invention to which the claims are directed. See MPEP §§ 608.01(d).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. “the system manager collects attribute data from platform controller **simultaneously**.”

Claim Rejections - 35 USC § 101

5. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-2 and 12-14 are rejected under 35 U.S.C. § 101, because claims are directed to software per se. Independent claims 1 and 12 are claiming computer software per se and functional descriptive material consisting of data structures and computer programs, which impart functionality when employed as a computer component. As such, the claim fails to show linkage between the hardware and the software steps so as to be structurally and functionally interrelated and permit the function of the software steps to be realized. Since software steps are merely set of instructions without proper linkage with the hardware to realize the software steps' functionality, it is regarded as nonstatutory. Claims 2 and 13-14 depend on claims 1 and 12 respectively and they are also rejected under the same rationale as claims 1 and 12. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-2, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US Patent 6,301,710) hereinafter Fujiwara, and in view of Tsumura (US Patent 5,842,023) hereinafter Tsumura.

9. As per independent claim 1, Fujiwara teaches the claimed, a multiple platform architecture data reporting system for managing attribute data in a document processing apparatus, the system, embodied on a computer readable medium in the

document processing apparatus (Fig. 2, col. 1, lines 20-23, **computer software programs and architecture and relates to a system and method for creating substitute registry when automatically installing an update program**), comprising: a system manager, and at least one platform controller coupled to the system manager (col. 1, lines 29-31, **computer software programs typically include a series of instructions that control the operation and functionality of computer systems**) the system manager configured to: collect attribute data including copyright data pertaining to software from each platform controller (Fig. 4, col. 6, lines 15-16 and lines 22-24, **the browser program may possess selected attributes from client configuration files 340 may include information regarding the system directories or system registries for client software and other information currently residing on client 120**);

process the copyright data into a list of copyright data for the system (Fig. 9, col. 10, lines 18-21, **download module 430 preferably performs a comparison procedure between one or more download files 420 listed on network page 410 and the software programs currently installed on client 120**); and

a user interface connected to the system manager for displaying the collected attribute data in the list to a user (Fig. 3, col. 6, lines 51-53, **viewed and accessed by a system user by displaying client registries 355 on a graphical user interface (GUI) of client 120**).

Fujiwara does not explicitly teach, recognize the copyright data in the attribute data.

However, Tsumura teaches the claimed, recognize the copyright data in the attribute

data (Fig. 5, col. 3, lines 14-26, **at box 5, the supply of information is appropriately controlled by the region controller, the copyright information manager and the controller employs the entire processor to determine whether or not the purpose of a user and the format in use match the conditions specified by the information provider and that are included in the attribute data.**) Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Fujiwara's teachings would have allowed Tsumura's system would the protection of copyrights and the security of information (col. 1, lines 27-28).

10. As per dependent claim 2, Fujiwara teaches the claimed, the multiple platform architecture data reporting system as in claim 1 wherein the system manager comprises memory for storing attribute data collected by the system manager (Fig. 2-3, lines 51-55, **non-volatile memory 240 preferably includes a client application 310, middleware 320, middleware 325, a browser program 330, client configuration files 340, and client registries 355**).

11. As per dependent claim 15, Fujiwara teaches the claimed, the system manager collects attribute data from platform controller simultaneously (Fig. 1, col. 4, lines 15-17, **client-server system 160 may typically include a substantially larger number of additional client systems**).

12. As per dependent claim 16, Fujiwara teaches the claimed, the attribute data collected is attribute data stored on each platform controller and is passed to the user interface” (Fig. 1, col. 4, lines 15-19, **client-server system 160 may typically include a substantially larger number of additional client systems. Each of the additional client systems is preferably likewise configured to communicate with database server 150 and network 100).**

13. As per dependent claim 17, Fujiwara teaches the claimed “the list is a list of copyright years for the system in its entirety” as the attributes of the digital data the last update date (Fig. 6, col. 8, lines 3-5, **download module 430 then preferably compares the update module(s) listed on network page 410 and the software residing on client 120).**

14. As per dependent claim 18, Fujiwara teaches the claimed, the attribute data comprises copyright and license data related to software (Fig. 9, col. 10, lines 20-23, **miscellaneous information 918 may include, but is not limited to, a copyright notice, a license agreement, a description of the corresponding software, a user identification number, and a password).**

15. As per dependent claim 19, Fujiwara teaches the claimed “the attribute data is a list of copyright years related to each software object of the system (Fig. 6, col. 7,

line 64 to col. 8, line 2, **Network page 410 preferably contains information relating to one or more update programs that may be appropriate for client 120. For example, network page 410 may contain the name and version number of one or more update programs that client 120 may wish to download and install).**

16. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US Patent 6,301,710) hereinafter Fujiwara, in view of Tsumura (US Patent 6,151,624) and in view of Saito (USPA Pub. 20020073035) hereinafter Saito.

17. As per dependent claim 20, Fujiwara and Tsumura combined teaches independent claim 1. Fujiwara and Tsumura do not explicitly teach computer interfaced to copier, fax machine... However, Saito teaches the claimed, the document processing apparatus is a copier, a fax machine, a computer printer, a scanner or a multifunction device (Fig. 1, par. [0014], lines 2-61, **the apparatus related to data processing are a versatile computer, a scanner, a printer, a copying machine, a display device, a file server, a facsimile equipment, an external storage device, and others**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Saito's teachings would have allowed Fujiwara's mechanism to integrate the counted values of the scanner and printer (page 1, par. [0008]).

18. Claims 3-7, 9-13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US Patent 6,301,710) hereinafter Fujiwara, and in view of Teare et al. (US Patent 6,151,624) hereinafter Teare.

19. As per independent claim 3, Fujiwara teaches the claimed, the method for managing attribute data in a document processing apparatus (col. 1, lines 20-23, **computer software programs and architecture and relates to a system and method for creating substitute registry when automatically installing an update program**), the method comprising the steps of:

Fujiwara teaches the claimed, displaying the collected attribute data on a user display of the document processing apparatus for managing attribute data in the document processing apparatus (Fig. 3, col. 6, lines 51-53, **viewed and accessed by a system user by displaying client registries 355 on a graphical user interface (GUI) of client 120**).

Fujiwara does not teach polling at least two platform controllers. However, Teare teaches the claimed, a system controller in the document processing apparatus polling at least two platform controllers in the document processing apparatus for attribute data (Fig. 3, col. 18, lines 18-21, **the crawler 24 polls the customer web site that is represented by the row or record, searching for updates to the Name File 64, stored in association with the web site**);

Teare also teaches the claimed, the system manager collecting the attribute data from the at least two platforms in response to the step of polling (see Abstract, **a copy of the**

metadata is stored in a registry that is indexed at a central location. A crawler service periodically updates the registry by polling the information on each server associated with registered metadata. To locate a selected network resource, a client provides the name of the network resource to a resolver process). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Teare's teachings would have allowed Fujiwara's mechanism to navigate to a network resource based upon its name and without misdirection caused by a meta-tag in the network resource (col. 4, lines 42-44).

20. As per dependent claim 4, Fujiwara and Teare combined teaches independent claim 3. Teare teaches the claimed, automatically polling the at least two platform controllers during power on of at least one of the at least two platform controllers (col. 5, lines 9-11, **another feature involves periodically polling the name file on the server associated with the client**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Teare's teachings would have allowed Fujiwara's mechanism to navigate to a network resource based upon its name and without misdirection caused by a meta-tag in the network resource (col. 4, lines 42-44).

21. As per dependent claim 5, Fujiwara and Teare combined teaches independent claim 3. Teare teaches the claimed, the step of polling at least two platforms for attribute

data further comprises the step of polling at least one of the at least two platform controllers when polling is initiated by a user request (Fig. 3, col. 18, lines 21-24, **the copyright of digital data provided by the data providing device is inspected and the information is taken from the device the polling step includes the steps of opening an HTTP connection to the Web site, requesting and receiving a copy of the Name File**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Teare's teachings would have allowed Fujiwara's mechanism to navigate to a network resource based upon its name and without misdirection caused by a meta-tag in the network resource (col. 4, lines 42-44).

22. As per dependent claim 6, Fujiwara teaches the claimed step of "the step of collecting the copyright information from the at least two platform controllers (Fig. 4, col. 6, lines 15-16 and lines 22-24, **the browser program may possess selected attributes from client configuration files 340 may include information regarding the system directories or system registries for client software and other information currently residing on client 120**).

23. As per dependent claim 7, Fujiwara teaches the claimed, the step of collecting the attribute data from the at least two platforms in response to the step of polling further comprises the step of collecting the license information from the at least two platform controllers (Fig. 9, col. 10, lines 3-6, **miscellaneous information 918 may**

include, but is not limited to, a copyright notice, a license agreement, a description of the corresponding software, a user identification number, and a password).

24. As per dependent claim 9, Fujiwara teaches the claimed, the step of displaying the collected attribute data on a user display further comprises the step of automatically displaying the attribute data collected from the at least two platform controllers (Fig. 3, col. 6, lines 51-53, **viewed and accessed by a system user by displaying client registries 355 on a graphical user interface (GUI) of client 120).**

25. As per dependent claim 10, Fujiwara teaches the claimed, the step of displaying the collected attribute data on a user display further comprises the step of manually displaying the attribute data collected from the at least two platforms (Fig. 3, col. 6, lines 51-53, **viewed and accessed by a system user by displaying client registries 355 on a graphical user interface (GUI) of client 120).**

26. As per dependent claim 11, Fujiwara teaches the claimed, the step of displaying the collected attribute data on a user display further comprises the step of displaying only non-copyright attribute data collected from the at least two platforms (Fig. 9, col. 10, lines 20-23, **miscellaneous information 918 may include, but is not limited to, a copyright notice, a license agreement, a description of the corresponding software, a user identification number, and a password).**

27. As per independent claim 12, Fujiwara teaches the claimed, A software copyright information managing system embodied on a computer readable medium for managing software copyright data in a data processing apparatus (col. 1, lines 20-23, **computer software programs and architecture and relates to a system and method for creating substitute registry when automatically installing an update program**), the system comprising:

Fujiwara teaches the claimed, "at least one platform controller coupled to the system controller, the system controller being configured to collect the software copyright data stored on each platform controller" as the attributes of the digital data are recorded at least a file size for URLs (Fig. 4, col. 6, lines 15-16 and lines 22-24, **the browser program may possess selected attributes from client configuration files 340 may include information regarding the system directories or system registries for client software and other information currently residing on client 120. Fig. 1, col. 7, lines 60-64, system user of client 120 (FIG. 1) accesses network page 410 by entering a corresponding network address or uniform resource locator (URL), and browser program 330 responsively connects client 120 to network page 410**).

Fujiwara teaches the claimed, a user interface connected to the system controller for displaying the software copyright data from the memory to a user (Fig. 3, col. 6, lines 51-53, **viewed and accessed by a system user by displaying client registries 355 on a graphical user interface (GUI) of client 120**).

Fujiwara does not explicitly teach a system controller for collecting data. However, Teare teaches the claimed, a system controller for collecting the data from multiple platforms (Fig. 1, col. 12, lines 41-43 and col. 18, lines 18-24, **the system then displays a Web page containing a form that enables the system to receive further information about the user, the Crawler 24 polls the customer Web site that is represented by the row or record, searching for updates to the Name File 64 that is stored in association with that Web site. The polling step includes the steps of opening an HTTP connection to the Web site, requesting and receiving a copy of the Name File**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Teare's teachings would have allowed Fujiwara's mechanism to navigate to a network resource based upon its name and without misdirection caused by a meta-tag in the network resource (col. 4, lines 42-44).

28. As per dependent claim 13, Fujiwara teaches the claimed, the system controller for collecting the software copyright data from multiple platforms further comprises a memory for storing the software copyright data collected by the system controller (Fig. 1, col. 4, lines 28-30, **client 120 preferably communicates bi-directionally with database server 150 to access and store various types of information**).

29. As per dependent claim 21, Fujiwara teaches the claimed "the attribute data comprising copyright data for each software object on each platform controller (Fig. 3,

col. 6, lines 19-21, **client configuration files 340 may include information regarding the system directories or system registries for client software and other information currently residing on client 120).**

30. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US Patent 6,301,710) hereinafter Fujiwara, in view of Teare et al. (US Patent 6,151,624) hereinafter Teare, and in view of Saito (USPA Pub. 20020073035) hereinafter Saito.

31. As per dependent claims 8, 14, Fujiwara and Teare combined teaches independent claims 3 and 12. Fujiwara and Teare do not teach computer interfaced to copier, fax machine... However, Saito teaches the claimed, the document processing apparatus is a copier, a fax machine, a computer printer, a scanner or a multifunction device (Fig. 1, par. [0014]), lines 2-61, **the apparatus related to data processing are a versatile computer, a scanner, a printer, a copying machine, a display device, a file server, a facsimile equipment, an external storage device, and others).** Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Saito's teachings would have allowed Fujiwara's mechanism to integrate the counted values of the scanner and printer (page 1, par. [0008]).

Response to Arguments

32. Applicant's amendment filed on 9/29/2010 have been fully considered with respect to claims 1-21 but they are persuasive and details are:

a) Applicant's argument regarding claim 1 rejection under 35 USC 103(a), stated as "it is it is respectfully submitted that there is absolutely no disclosure of a computer readable medium there or anywhere in Fujiwara."

In response to Applicant's argument, Examiner respectfully disagrees. Because, Fujiwara do teach the computer readable medium as a read-only memory (ROM) and a random-access memory (see Fig. 2, col. 5, lines 27-29).

Applicant further argued as "there is no disclosure of a system manager or a platform controller."

In response to Applicant's argument, Examiner respectfully again disagrees. Because, as per the current specification system manager is a control module and platform controller is a module. Fujiwara do teach the same (see col. 1, lines 29-31, computer software programs typically include a series of instructions that control the operation and functionality of computer systems).

Applicant further argued as "It is respectfully submitted that 'collecting' means to gather together, while 'selecting' means to chose apart, i.e., 'selecting' means not to collect everything available. Thus the words are not equivalent."

In response to Applicant's argument, Examiner respectfully disagrees. Because, Fujiwara do teach this limitation (see Fig. 4, col. 6, lines 15-16 and

lines 22-24, the browser program may possess selected attributes from client configuration files 340 may include information regarding the system directories or system registries for client software and other information currently residing on client 120). Select is used “chose from a group” rather than “chose apart”. So, the browser program (module) selects which is the same as collecting.

Applicant further argued as “there is no disclosure of the claimed list therein.”

In response to Applicant’s argument, Examiner respectfully disagrees. Because, Fujiwara do teach further using the word listing as “other registry listings in client registries 355 may include similar contents to those described and discussed in conjunction with the FIG. 9 embodiment of substitute registry 825. However, substitute registry 825 and other listing in client registries 355 need not each always include all the various types of information discussed in conjunction with the FIG. 9 embodiment” (see Fig. 8-9, col. 9, lines 49-55).

b) Applicant’s argument regarding claim 15 rejection under 35 USC 103(a), stated that Fujiwara reference fails to disclose simultaneously collecting data as claimed.

In response to Applicant’s argument, Examiner respectfully disagrees. Because Applicant claimed the word "simultaneously" is not supported by the disclosure. Therefore, 35 U.S.C. 112, first paragraph rejection has been added.

- c) Applicant's argument regarding claims 3 and 12 rejection under 35 USC 103(a), stated as "Polling means to take a count."

In response to Applicant's argument, Examiner respectfully disagrees. Because, Polling term is not defined and Applicant meaning is totally wrong interpreted. It means **determining the status of each device in a set**. Examiner has considered the broadest possible meaning from a popular Microsoft Computer Dictionary. Teare do teach the term polling similar to current invention. The teaching of Fujiwara and Teare and the current invention are dealing with related topics.

Contact Information

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2164

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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/Sathyanarayan Pannala/
Primary Examiner, Art Unit 2164

srp
December 7, 2010